

# **CITY OF LEWISTON**

**CITY COUNCIL**

**JUNE 5, 2007**

## **REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.**

COUNCIL PRESIDENT RENEE M. BERNIER, PRESIDING.

PRESENT: Councilors Mendros, O'Brien, Jean, Samson, Paradis, City Administrator James Bennett, and City Clerk Kathleen Montejo. Excused/Absent: Mayor Gilbert and Councilor Rousseau

Pledge of Allegiance to the Flag.

Moment of Silence.

### **VOTE (154-2007)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

To dispense with the reading of the minutes of the April 17 and May 22, 2007, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

## **AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

### **VOTE (155-2007)**

Motion by Councilor O'Brien, second by Councilor Jean:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of sixteen (16%) percent of \$10,367, less administrative fees or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Austin Obialo, CE-07-0024, N-5, 07-DEA-484215 and the transfer of twenty (20%) percent of proceeds from the sale of a collection of sports trading cards or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Patrick Handlon, CD-07-0023, N-8, 07-DEA-483603. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank Passed - Vote 6-0

## **AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PINE STREET**

### **VOTE (156-2007)**

Motion by Councilor O'Brien, second by Councilor Jean:

To adopt the proposed amendments to the Traffic Schedule regarding the regulation of parking times and creation of a single lane way for a portion of Pine Street. Passed - Vote 6-0



**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING BATES STREET**

**VOTE (157-2007)**

Motion by Councilor O'Brien, second by Councilor Jean:

To adopt the proposed amendment to the Traffic Schedule regarding the regulation of parking times for a portion of Bates Street. Passed - Vote 6-0

**RECOMMENDATIONS REGARDING THE JUNE 12 STATE ELECTION**

**VOTE (158-2007)**

Motion by Councilor O'Brien, second by Councilor Jean:

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the Special State Referendum Election to be held on Tuesday, June 12, 2007:

- A. That the hours for acceptance of registrations in person only, prior to the June 12<sup>th</sup> election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, May 22 through June 11, 2007.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the June 12 election.

Passed - Vote 6-0

**PUBLIC HEARING ON A PROPOSED INCREASE IN SEWERAGE  
SYSTEM USE CHARGES**

Council President Bernier opened the public hearing to receive citizen input and comment regarding this item. No members of the public spoke for or against this matter. Council President Bernier then closed the hearing.

**VOTE (159-2007)**

Motion by Councilor Jean, second by Councilor Samson:

To accept the recommendations of the Public Works Director, Public Services Director and the City Administrator, and to amend the Sewer System Use Charges as follows:



In accordance with the Code of Ordinances of the City of Lewiston, Chapter 74, Section 74-67, the following rates are hereby established effective July 2, 2007:

**SEWERAGE SYSTEM USE CHARGES  
READY-TO-SERVE RATES**

METER SIZE	RATE	
5/8"	\$ <del>22.00</del>	<u>24.00</u>
3/4"	<del>36.00</del>	<u>40.00</u>
1"	<del>64.00</del>	<u>70.50</u>
1 1/2"	<del>144.00</del>	<u>158.50</u>
2"	<del>257.00</del>	<u>283.00</u>
3"	<del>577.50</del>	<u>635.00</u>
4"	<del>1,027.00</del>	<u>1,130.00</u>
6"	<del>2,312.00</del>	<u>2,543.00</u>
8"	<del>4,109.00</del>	<u>4,520.00</u>

First 800 cubic feet or part thereof, ~~\$1.54~~ 1.70 per 100 cubic feet.

Over 800 cubic feet at ~~\$2.54~~ 2.80 per 100 cubic feet.

Surcharge for B.O.D. concentration above 250 ppm., ~~15.012~~ 15.763 cents per lb. of B.O.D.

Surcharge for suspended solids concentration above 300 ppm., ~~20.413~~ 22.454 cents per lb. of suspended solids.

Passed - Vote 5-1 (Councilor Mendros opposed)

**PUBLIC HEARING ON A PROPOSED INCREASE IN STORM WATER  
UTILITY USE CHARGES**

Council President Bernier opened the public hearing to receive citizen input and comment regarding this item. Joseph Roy of 9 Venise Avenue stated he opposes this fee and said the Council spent too much money to purchase the RA Mitchell building for the stormwater system. He expressed concerns that it appears that decisions are decided by the Council before the meetings and if citizens come to speak against an item, it does not matter. Charles Fournier of 14 Wilson Street stated he believes in the stormwater fee yet has a complaint regarding the high increase and does not see the justification for such a high increase of 25 percent. Larry Poulin of 394 Sabattus Street said that he has heard Councilor Paradis state the public has a misconception of the stormwater fee and the city did a poor job explaining the purpose and



intent of the fee. Mr. Poulin said that people do not mind paying taxes if they received fair services in return. He noted the city budget has increased by several million dollars with no reduction in services and taxes are increasing. Council President Bernier then closed the hearing.

City Administrator Bennett reviewed the budget items for the stormwater program and noted debt service increase for the stormwater projects. He mentioned the stormwater requirements are federal mandates to treat water before entering the river from the sewer system. He said the City is saving fourteen million dollars by installing an underground tank structure to catch the overflow of water. If the City did not have the stormwater utility fee, an additional \$1.25 mils would have to be added to the tax rate to cover the costs. With the fee, those that do not pay taxes, such as the hospitals, colleges, churches, non-profit organizations and so forth now pay their fair share of the stormwater fee, thereby lowering taxes for residential property owners. Councilor Bernier stated the Council has been in contact with the federal congressional delegation and the Environmental Protection Agency and both entities stated the City cannot be exempt from these requirements.

### **VOTE (160-2007)**

Motion by Councilor O'Brien, second by Councilor Jean:

To accept the recommendations of the Public Works Director, Public Services Director and the City Administrator, and to amend the Storm Water Utility Use Charges as follows:

In accordance with the Code of Ordinances of the City of Lewiston, Chapter 74, Section 74-304 and 308, the following rates are hereby established effective July 1, 2007:

### **STORM WATER UTILITY FEE SCHEDULE**

#### **Base Rate:**

For the first 2,900 sq. ft. of impervious surface ~~\$30.00~~ 40.00

#### **Single Family Homes, Mobile Homes:**

Flat Rate of ~~\$30.00~~ 40.00

#### **Duplex Residential Units:**

Flat Rate of ~~\$45.00~~ 60.00

#### **Unit Fee for Other Properties:**

Base Rate plus ~~\$0.044~~ 0.045 for every square foot of impervious surface exceeding 2,900 square feet.

Passed - Vote 5-1 (Councilor Mendros opposed)

### **PUBLIC HEARING AND FIRST PASSAGE ON AMENDMENTS TO THE CITY CODE FOR VEHICLES FOR HIRE**



Council President Bernier opened the public hearing to receive citizen input and comment regarding this item. Linda Leonas of City Cab Company asked the Council to table this item until a review can be done to include all drivers of all means of public transportation - bus drivers, limo drivers and so forth. Council President Bernier then closed the hearing. Councilor Mendros stated he would like to see the restrictions expanded to include charges of kidnapping and other related crimes. It was noted this change is important and should be done immediately to get this requirement into the ordinance, and staff can check with local agencies regarding drivers of other transportation outlets to see about their regulations.

**VOTE (161-2007)**

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendments to the City Code of Ordinances, Chapter 82 Vehicles for Hire, Article II, Taxicabs, Section 82-48, Standards for Denial, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 6-0

**VOTE (162-2007)**

Motion by Councilor Mendros, second by Councilor Samson:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 6-0

**VOTE (163-2007)**

Motion by Councilor Samson, second by Councilor Mendros:

That the proposed amendments to the City Code of Ordinances, Chapter 82 Vehicles for Hire, Article II, Taxicabs, Section 82-48, Standards for Denial, receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR AN EXTENSION OF  
THE MORATORIUM ORDINANCE REGARDING NEW LIQUOR LICENSES IN  
THE OAK PARK NEIGHBORHOOD**

Council President Bernier opened the public hearing to receive citizen input and comment regarding this item. No members of the public spoke for or against this matter. Council President Bernier then closed the hearing. The City Administrator informed the Council that the boundary zone was recreated at the request of Council to allow for a new restaurant on Middle Street. Councilor Mendros expressed concern about the moratorium noting if Chopsticks, for example, changed ownership, they would be prohibited from getting a new liquor license during the time of the moratorium. Councilor Paradis questioned the moratorium, noting the Planning Board memo did not contain new information regarding recommended solutions.



**VOTE (164-2007)**

Motion by Councilor O'Brien, second by Councilor Jean:

That the current Moratorium Ordinance regarding the issuance of new liquor licenses in the Oak Park neighborhood, which expired on June 4, 2007, be extended for an additional 90 days, retroactive to June 4, 2007, said Ordinance extension to receive first passage by a roll call vote. Passed - Vote 6-0

**VOTE (165-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 6-0

**VOTE (166-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

That the current Moratorium Ordinance regarding the issuance of new liquor licenses in the Oak Park neighborhood, which expired on June 4, 2007, be extended for an additional 90 days, retroactive to June 4, 2007, said Ordinance extension to receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING ON NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT  
PERMIT FOR RODEWAY INN, 1243 LISBON STREET**

Council President Bernier opened the public hearing to receive citizen input and comment regarding this item. No members of the public spoke for or against this matter. Council President Bernier then closed the hearing.

**VOTE (167-2007)**

Motion by Councilor Samson, second by Councilor Mendros:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Rodeway Inn, 1243 Lisbon Street. Passed - Vote 6-0

**PUBLIC HEARING ON NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT  
PERMIT FOR L/A COFFEE AND WINE BISTRO, 855 LISBON STREET**

Council President Bernier opened the public hearing to receive citizen input and comment regarding this item. No members of the public spoke for or against this matter. Council President Bernier then closed the hearing.



**VOTE (168-2007)**

Motion by Councilor O'Brien, second by Councilor Jean:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for L/A Coffee and Wine Bistro, 855 Lisbon Street. Passed - Vote 6-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR  
MOM & POPS PLACE, 339 LISBON STREET**

Council President Bernier opened the public hearing to receive citizen input and comment regarding this item. No members of the public spoke for or against this matter. Council President Bernier then closed the hearing.

**VOTE (169-2007)**

Motion by Councilor Paradis, second by Councilor O'Brien:

To grant a special amusement permit for dancing and entertainment to Mom & Pop's Place, 339 Lisbon Street. Passed - Vote 6-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR MULLIGAN'S  
INDOOR GOLF & PUB, 1035 LISBON STREET**

Council President Bernier opened the public hearing to receive citizen input and comment regarding this item. No members of the public spoke for or against this matter. Council President Bernier then closed the hearing.

**VOTE (170-2007)**

Motion by Councilor Jean, second by Councilor O'Brien:

To grant a special amusement permit for dancing and entertainment to Mulligan's Indoor Golf & Pub, 1035 Lisbon Street. Passed - Vote 6-0

**FIRST PASSAGE OF THE FISCAL YEAR 2008 TAX RESOLVE**

**VOTE (171-2007)**

Motion by Councilor Samson, second by Councilor Jean:

That the Tax Resolve instructing the Chief Assessor to raise \$42,616,976.00 to finance the Fiscal Year 2008 budget have first passage by a roll call vote and that the second reading for final passage be scheduled for the June 19, 2007 Council meeting:

*RESOLVED*, That the Chief Assessor of the City of Lewiston, Maine be ordered to raise by assessment upon estates of residents of the City of Lewiston, and upon estates of non-resident



proprietors in said City of Lewiston for the current fiscal year commencing July 1, 2007, the sum of Forty-Two Million Six Hundred Sixteen Thousand Nine Hundred Seventy-Six Dollars (\$42,616,976) for the payment of the county tax, for ordinary indebtedness and expenses, for interest on the debt of the City of Lewiston, and for the payment of lawful debts and dues of the City of Lewiston.

Appropriation Resolve	\$ 86,789,520
LESS:	
Estimated Revenues	\$43,419,544
Prior Years' Surplus	753,000
Total Adjustments	\$ 44,172,544
Net Appropriation	\$ 42,616,976
TAX LEVY:	\$ 42,616,976

Interest on Real and Personal Taxes will be charged on all taxes which shall remain unpaid after the respective due dates of September 15, 2007 and March 15, 2008, at the rate of 12.0%.

Any taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of overpayment at the rate of 8.0%.

Passed - Vote 5-1 (Councilor Mendros opposed)

**ADOPTION OF ORDERS ON SCHOOL FUNDING FOR THE PERIOD  
JULY 1, 2007 TO JUNE 30, 2008**

Councilor Mendros thanked the School Committee for their hard work on this budget, noting they stepped up to the plate by taking over some expenses in the budget and having these expenses transferred from the city side of the budget to the school side of the budget.

**VOTE (172-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

ORDERED, That this City Council hereby authorizes the School Committee to expend appropriated monies per line in support of educational programs during Fiscal Year 2007-2008 as follows:

LINE	DESCRIPTION	AMOUNT
1	Undistributed	\$ 12,465,564.00
2	Elementary Education - Instructional	7,197,398.00
3	Elementary Education - All Other	3,033,958.00



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4	Middle School - Instructional	2,280,811.00
5	Middle School - All Other	928,346.00
6	High School - Instructional	4,134,006.00
7	High School - All Other	1,493,441.00
8	Special Education	9,377,436.00
9	Vocational - Instructional	1,582,569.00
10	Vocational - All Other	614,217.00
11	Student Activities	778,402.00
12	Adult Education	582,687.00
13	TOTAL	\$ 44,468,835.00

Passed - Vote 6-0

**VOTE (173-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to appropriate the sum of \$43,886,148 for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and to raise the sum of \$14,499,444 as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A section 15688.

*Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

Passed - Vote 6-0

**VOTE (174-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to raise and appropriate the sum of \$1,191,933 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects and minor capital projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding education from kindergarten to grade 12.



*Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.*

Passed - Vote 6-0

**VOTE (175-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby agrees to raise and appropriate the sum of \$0 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, Section 15690.

*Explanation: The additional local funds are those locally raised funds over and above the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual for the annual payment on non-state-funded debt service that will help achieve the City's budget for educational purposes.*

Passed - Vote 6-0

**VOTE (176-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend the sum of \$177,000 for the fiscal year beginning July 1, 2007 and ending June 30, 2008 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under Maine Revised Statutes, Title 20-A, Section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Passed - Vote 6-0

**VOTE (177-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to appropriate the sum of \$582,687 for adult education for the fiscal year beginning July 1, 2007 and ending June 30, 2008, and to raise the sum of \$370,862 as the local share for adult education. Passed - Vote 6-0



**VOTE (178-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend additional state, federal and other funds received during the fiscal year 2007-2008 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated. Passed - Vote 6-0

**VOTE (179-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

CATEGORY	ESTIMATED AMOUNT
Title I A Disadvantaged	\$ 1,853,893.00
Title V Innovative	12,627.00
Local Entitlement, Part B, P.L. 101-476	1,136,032.00
Emergency Shelter Program	262,081.00
Drug Free School Program (Title IV)	41,153.00
Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (P.L. 101-392)	191,621.00
Adult Basic Education	85,700.00
Title II D - Technology	25,960.00
Title II A Teacher Quality	419,067.00
Learning Results	45,511.00
ESTIMATED TOTAL	\$ 4,028,134.00

Passed - Vote 6-0

**AMENDMENTS TO THE STORM WATER UTILITY FEE SCHEDULE AND  
CREDIT POLICY**

**VOTE (180-2007)**

Motion by Councilor Samson, second by Councilor Jean:



To approve the proposed amendments to the Storm Water Utility Fee Schedule and Credit Policy as recommended by the Director of Public Services and City Administration.

Passed - Vote 6-0

**ADOPTION OF MEETING SCHEDULE FOR THE MONTHS OF  
JULY AND AUGUST**

**VOTE (181-2007)**

Motion by Councilor Samson, second by Councilor Jean:

To suspend Section 1, (a) of Rules Governing the City Council, and to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 17<sup>th</sup> at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 14<sup>th</sup> at 7:00pm. Passed - Vote 6-0

**DISCUSSION OF THE CONCEPT OF STUDY CIRCLES AS A TOOL FOR  
COMMUNITY CHANGE**

Councilor Jean asked to have this item on the agenda for discussion. He noted this is a new approach to get everyone involved in the community and it is a structured approach. Councilor Jean said that Larry Marcoux of the United Way is spearheading this effort and he wanted the Council to be aware of what is going on.

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

The City Administrator noted that a workshop will be held within the next few weeks regarding a meeting with Planning Board and discussions about solid waste. Councilor Mendros wished the delegation at the All America City competition luck as they compete in Anaheim.

**VOTE (182-2007)**

Motion by Councilor Samson, second by Councilor Jean:

To adjourn at 8:17 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine